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STATINTL

Agreement between the
UNITED STATES OF AMERICA
and ISRAEL

- Effected by Exchange of Notes
Signed at Washington May 4, 1950
- Entered into force May 4, 1950, operative
retroactively May 15, 1948



Return to mk

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DEPARTMENT OF STATE

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The Israeli Ambassador to the Secretary of State

EMBASSY OF ISRAEL
WASHINGTON, D. C.

No. 4531/50

May 4, 1950

EXCELLENCY:

In accordance with instructions from my Government, I have the honor to invite your attention to Section 29 of the copyright law in force in Israel under which the benefits of the said law may be extended to the work of a proprietor who is not a citizen of Israel only when the foreign country of which such proprietor is a citizen or subject has made or undertaken to make such provisions as it appears to the Government of Israel expedient to require for the protection of works entitled to copyright under the copyright law in force in Israel.

Since Section 29 of the copyright law in force in Israel is similar to Section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), it is the desire of my Government to conclude a reciprocal copyright arrangement with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

Until May 15, 1948, the date on which Israel established its independence, satisfactory copyright relations existed between Palestine and the United States of America by virtue of (1) an Order in Council relating to Palestine issued by the British Government and effective on October 1, 1933; and (2) a proclamation issued on September 29, 1933, by the President of the United States, which went into effect on October 1, 1933.^[1] With a view to clarifying the benefits in Israel for authors and proprietors of the United States of America since May 15, 1948, my Government has instructed me to state its assurances that under the provisions of the Israeli law all literary and artistic works published in the United States are accorded the same treatment as works published in Israel, including mechanical reproductions of musical compositions, and that citizens of the United States are entitled to obtain copyright for their works in Israel on substantially the same basis as citizens of Israel, including rights similar to those provided by Section 1 (e) of the aforesaid Title 17.

¹ 48 Stat., Pt. 2, p. 1713.

The Government of Israel is prepared, if these assurances are acceptable to the Government of the United States of America, to regard the present note and your reply concurring therein as constituting an agreement between the two Governments on reciprocal copyright relations, which shall be considered effective on and after May 15, 1948.

Accept, Excellency, the renewed assurances of my highest consideration.

E. ELATH

His Excellency

DEAN G. ACHESON

Secretary of State

Washington, D. C.

The Secretary of State to the Israeli Ambassador

DEPARTMENT OF STATE

WASHINGTON

May 4 1950

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date, in which you refer to Section 29 of the copyright law in force in Israel, under which the benefits of the said law may be extended to the work of a proprietor who is not a citizen of Israel only when the foreign country of which such proprietor is a citizen or a subject has made or undertaken to make such provisions as it appears to the Israeli Government expedient to require for the protection of works entitled to copyright under the copyright law in force in Israel.

You express the desire of the Government of Israel, since Section 29 of the copyright law in force in Israel is similar to Section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), to conclude a reciprocal copyright arrangement with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

You state that until May 15, 1948, the date on which Israel established its independence, satisfactory copyright relations existed between Palestine and the United States of America by virtue of (1) an Order in Council relating to Palestine issued by the British Government and effective on October 1, 1933; and (2) a proclamation issued on September 29, 1933 by the President of the United States which went into effect on October 1, 1933. You add that with a view

to clarifying the benefits in Israel for authors and proprietors of the United States of America since May 15, 1948, your Government has instructed you to state its assurances that under the provisions of the Israeli law all literary and artistic works published in the United States are accorded the same treatment as works published in Israel, including mechanical reproductions of musical compositions, and that citizens of the United States are entitled to obtain copyright for their works in Israel on substantially the same basis as citizens of Israel, including rights similar to those provided by Section 1 (e) of the aforesaid Title 17.

You further state that the Israeli Government is prepared, if these assurances should be accepted by the Government of the United States of America, to regard the note under acknowledgment and this Government's reply thereto as constituting an agreement between the two Governments, which shall take effect this day.

I have the honor to inform you that, with a view to giving effect to the commitment proposed in the note under acknowledgment, the President of the United States of America has issued today a proclamation, a copy of which is enclosed herewith, declaring and proclaiming, pursuant to the provisions of Section 9 of the said Title 17, on the basis of the assurances set forth in your note, that on and after May 15, 1948, the conditions specified in Sections 9 and 1 (e) of the said Title 17, but excepting the provisions embodied in the second paragraph of Section 9 (b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities, existed and were fulfilled in respect of citizens of Israel and that citizens of Israel are and since May 15, 1948, have been entitled to all the benefits of the said Title 17 with the aforementioned exception. The proclamation imposes the conditions that (1) the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright law of the United States; and (2) the provisions of Section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published and copyrighted after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to May 15, 1948, on any contrivance by means of which the work may be mechanically performed.

The Government of the United States of America accordingly considers your Excellency's note and the present note as constituting an agreement between the Government of the United States of America

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and the Government of Israel, which shall be considered effective on and after May 15, 1948.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON

Enclosure:

Copy of proclamation.

His Excellency

ELIAHU ELATH,

Ambassador of Israel.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 9 of title 17 of the United States Code, entitled, "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."; and

WHEREAS section 1 of the said title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

"(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * Provided, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights."; and

WHEREAS section 9 of the said title 17 further provides that "the existence of the reciprocal conditions aforesaid shall be determined

by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.”; and

WHEREAS satisfactory official assurances have been received that since May 15, 1948, citizens of the United States have been entitled to obtain copyright protection for their works in Israel which has been accorded substantially on the same basis as to citizens of Israel, including rights similar to those provided by section 1 (e) of the said title 17:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do declare and proclaim:

That since May 15, 1948, the conditions specified in sections 9 (b) and 1 (e) of the said title 17 of the United States Code have existed and have been fulfilled with respect to citizens of Israel, and that citizens of Israel are and since May 15, 1948, have been entitled to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to May 15, 1948, on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of May in the year of our Lord nineteen hundred and fifty and of the
[SEAL] Independence of the United States of America the one hundred and seventy-fourth.

HARRY S TRUMAN

By the President:

DEAN ACHESON

Secretary of State

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